

KAMS310037062025

Crl.Misc./816/2025**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC.,****AT: HUNSUR****:PRESENT:**

**SMT.AYISHABI.P.MAJID., B.A., L.L.B.,  
Prl. Civil Judge & JMFC,  
Hunsur.**

**DATED THIS THE 06<sup>th</sup> DAY OF APRIL, 2026****Crl.Misc.No.816/2025**

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| <b><u>Petitioners :-</u></b> | <p>1. Sri. Shafi<br/>S/o Late.Abdul Razak,<br/>Aged about 49 years.</p> <p>2. Sri.Shek Ahamed,<br/>S/o Late.Abdul Razak,<br/>Aged about 48 years.</p> <p>3. Sri. Rafeeq,<br/>S/o Late.Abdul Razak,<br/>Aged about 47 years.</p> <p>4. Sri. Naveed Pasha,<br/>S/o Late.Abdul Razak,<br/>Aged about 41 years.</p> <p>All are residing at<br/>Azad Nagar Village,<br/>Nellurupala Post,Kasaba Hobli,<br/>Hunsur Taluk, Mysuru District.</p> <p>(Represented by Sri. M.E.M., – Adv)</p> |
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| V/s                        |   |
| <b><u>Respondent:-</u></b> | The Tahashildar,<br>Registrar of Birth and Death,<br>Hunsur Taluk, Hunsur.<br><br><b>(Absent)</b> |

### **ORDERS**

The present petition is filed by the Petitioners U/Sec.13(3) of The Registration of Births and Deaths Act, 1969.

2. The Petitioners have prayed for issuance of direction to the respondent to register the death event of Abdul Razak S/o Late.Sab Jan Sab, who died on 05.10.2009 at Azad Nagar Village, Kasaba Hobli, Hunsur Taluk, Mysuru District.
3. In spite of service of notice, the Respondent remained absent before the Court and as such his objection was considered as nil. The matter was posted for enquiry of the Petitioners.
4. In order to substantiate their case, the Petitioner No.4 got himself examined as P.W.1 and got marked the documents at Ex.P.1 to Ex.P.8. Thereafter, the Petitioners closed evidence on their side.
5. Heard the arguments advanced by the learned counsel for the Petitioners. Perused materials on record.
6. The points that arise for the consideration of the court are:

### **P O I N T S**

**1. Point No.1:** Whether Petitioners made out grounds under section 13(3) of Birth and Death registration Act to seek for direction to the Respondent for entering the date of death of Abdul Razak S/o Late.Sab Jan Sab in the concerned register?

**2.** What order?

7. On consideration of the materials placed on record, this court answers the aforesaid points as hereunder:

Point No.1: In the *Affirmative*

Point No.2: As per final order  
for the following:

### **R E A S O N S**

8. **Point No.1:** As aforesaid the Petitioner No.4 got himself examined as P.W.1 and reiterated the petition averments in his examination-in-chief. He has further deposed that, Abdul Razak S/o Late.Sab Jan Sab is no more. P.W.1 has specifically deposed that, his father died on 05.10.2009 at Azad Nagar Village, Kasaba Hobli, Hunsur Taluk, Mysuru District. Further he has deposed that, death certificate is required for the purposes of change of khata and other legal purposes.

9. The Petitioner No.4 in support of his case has relied upon Ex.P.1 which is the Notarized copy of the Genealogical tree, Ex.P.2 is the non-availability certificate issued by the office of the respondent, Ex.P.3 and Ex.P.6 are the Notarized copies of the Aadhar Cards of petitioners, Ex.P.7 and Ex.P.8 are the Paper Publications.

10. As stated supra, the Respondent has remained absent before the court. The evidence of P.W.1 has thus remained unchallenged and unrebutted. Ex.P.2 which is non-availability certificate clearly goes to show that, the death event of Abdul Razak S/o Late.Sab Jan Sab is unregistered. Ex.P.7 and Ex.P.8 goes to show that, the date of death of Abdul Razak S/o Late.Sab Jan Sab is not disputed by any other person. Now after applying for the death certificate with Respondent, the Respondent has pleaded his inability to furnish the death extract on the ground that the death of Abdul Razak S/o Late.Sab Jan Sab was not entered in the concerned register. Therefore, if the relief sought by the Petitioners is declined, they will be put to hardship. Apart from this, there is nothing on record to disbelieve the evidence lead by the Petitioners. Under these circumstances, this Court has no other alternative than to accept the evidence of P.W.1. Accordingly, this Court answers **Point No.1 in the Affirmative.**

11. **Point No.2:** In the light of foregoing discussions, this court proceeds to pass the following:

### **ORDER**

The petition filed U/s 13(3) of The Registration of Births and Deaths Act, 1969 is hereby *allowed*.

The respondent is hereby directed to make proper entry in respect of date of death of Abdul Razak S/o Late.Sab Jan Sab as 05.10.2009 at Azad Nagar Village, Kasaba Hobli, Hunsur Taluk, Mysuru District.

The Respondent shall collect the prescribed fee from the Petitioners.

No order as to cost.

*(Dictated directly to the Stenographer-III on computer, typed by her, corrected, signed and then pronounced by me in the open court this 06<sup>th</sup> day of April, 2026)*

**(AYISHABI.P.MAJID)**  
**Prl. Civil Judge & JMFC.,**  
**Hunsur.**

### **ANNEXURES**

1. **List of witness examined on behalf of Petitioners:**

P.W.1 : Sri. Naveed Pasha

2. **List of documents examined on behalf of Petitioners:**

Ex.P.1 : Notarized copy of the Genealogical tree

Ex.P.2 : Non-availability Certificate

Ex.P.3 to 6 : Notarized copies of the Aadhar Card petitioners

Ex.P.7 and 8 : Paper Publications.

3. **List of witness examined on behalf of Respondent:**

- N I L -

4. **List of documents examined on behalf of Respondent :**

- N I L -

**Prl. Civil Judge & JMFC.,**  
**Hunsur.**